

Sec. 39.23.500. Compensation commission established.

Text

(a) The State Officers Compensation Commission is established. The commission is composed of five members who are state residents appointed by the governor. One member shall be appointed from a list of two or more candidates submitted by the president of the senate. One member shall be appointed from a list of two or more candidates submitted by the speaker of the house of representatives. Members serve for staggered terms of four years. Except as provided in AS 39.05.080(4), a vacancy shall be filled for the balance of the unexpired term. A commission member may serve not more than two complete consecutive terms.

(b) The commission shall annually elect a member to chair its meetings. A majority of the commission members constitutes a quorum to transact business. The affirmative vote of three members is required to approve the commission's recommendations on compensation.

(c) The commission shall meet at the call of the chair. Notice of a meeting shall be mailed to each member at least 20 days before the date scheduled for the meeting.

(d) The commission shall meet to discuss its findings and recommendations at least twice before submitting its final report to the presiding officers of each house of the legislature and the governor.

(e) For budgetary purposes, the commission shall be established in the Department of Administration.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.510. Prohibitions against state or municipal service.

Text

(a) During membership on the commission, a member of the commission may not

- (1) be employed by the state, including the University of Alaska;
- (2) serve as a member of another state board, commission, or authority; or
- (3) hold elective state or municipal office.

(b) A member of the commission may not, in the four years preceding that member's appointment, have served in an office or position for which the commission shall submit a recommendation under AS 39.23.540.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.520. Compensation.

Text

Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for members of boards and commissions under AS 39.20.180.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.530. Staff.

Text

The director of personnel in the Department of Administration shall serve as ex officio secretary to the commission and provide research, technical, and administrative services.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.540. Duties of the commission.

Text

(a) The commission shall review the salaries, benefits, and allowances of members of the legislature, the governor, the lieutenant governor, and each principal executive department head and prepare a report on its findings at least once every two years, but not more frequently than every year. The commission shall notify the legislature that the report is available.

(b) The commission may request reports or studies from any state agency as to the rate and form of compensation, benefits, and allowances for legislators, the governor, the lieutenant governor, and each executive department head. A state agency from which a report or a study is requested shall furnish it within a period of time prescribed by the commission.

(c) By November 15, the commission shall prepare its preliminary findings and recommendations for compensation of state officers that is reasonable and equitable. The commission shall give reasonable public notice of its preliminary findings and recommendations, solicit public comments, and give due regard to the public comments, before submitting a final report under (d) of this section.

(d) The commission shall make available to the governor and presiding officers of each house of the legislature a final report of its findings and recommendations as to the rate and form of compensation, benefits, and allowances for legislators, the governor, the lieutenant governor, and each principal executive department head during the first 10 days of a legislative session. Subject to AS 24.10.130(b) and (g) of this section, and unless a bill disapproving all the recommendations for all officers listed in this section is enacted into law within 60 days after the recommendations are submitted to the governor and presiding officers of each house of the legislature, a recommendation as to the compensation, benefits, and allowances for

(1) a legislator has the force of law and becomes effective on the first day of the next regular legislative session; and

(2) the governor, the lieutenant governor, and each principal executive department head has the force of law and becomes effective on the first day of the fiscal year following the fiscal year in which the recommendation is submitted.

(e) The commission may prepare amendments to the report submitted under (d) of this section and notify the legislature that the amendments are available.

(f) A commission member who does not concur in the proposed or final recommendations may attach written objections to the commission's report of its findings and recommendations.

(g) A recommendation under this section increasing the compensation, benefits, and allowances of a public officer is not effective unless all recommended increases included in the final report under (d) of this section are fully funded by appropriations.

History

History.

(§ 10 ch 21 SLA 2008; am § 12 ch 61 SLA 2018)

Annotations

Cross references. -

For 2014 legislative rejection of commission's salary recommendations for the governor, lieutenant governor, and department heads, see ch. 4, SLA 2014.

For 2022 legislative rejection of commission's salary recommendations made in the 2022 final report, see ch. 1, SLA 2022.

Effect of amendments. -

The 2018 amendment, effective July 20, 2018, in the second sentence in the introductory language in (d), inserted "AS 24.10.130(b) and" following "Subject to". Although the 2018 amendment was to have taken effect July 1, 2018, under sec. 17, ch. 61, SLA 2018, the governor did not sign the bill until July 19, 2018, and so the actual effective date of the amendment was July 20, 2018, under AS 01.10.070(d).

Editor's notes. -

For provision relating to the severability of the 2018 amendment to this section, see sec. 15, ch. 61, SLA 2018, in the 2018 Temporary and Special Acts.

Sec. 39.23.550. Recommendations relating to reduction in compensation.

Text

(a) A recommendation of the commission may not have the effect of reducing the compensation or benefits of the governor and lieutenant governor who are in office or an executive department head who is appointed on or before the effective date of the commission's recommendation.

(b) The commission may recommend reduction in compensation for individuals who become governor, lieutenant governor, or an executive department head after the effective date of the commission's recommendation.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.560. Recommendations relating to benefits.

Text

The recommendations of the commission relating to benefits may not include any recommendation relating to health, retirement, disability, or death benefits under AS 39.30 and AS 39.35 for members of the legislature, the governor, the lieutenant governor, and each principal executive department head.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.570. Filing with lieutenant governor and certification.

Text

The commission shall, on transmitting its final recommendations for the compensation of legislators, the governor, the lieutenant governor, and each principal executive department head to the legislature, file the recommendations in the office of the lieutenant governor. When the recommendations become effective, the commission shall certify the copy of the recommendations on file in the office of the lieutenant governor.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.580. Policy of the legislature.

Text

It is the policy of the legislature that the commission recommend an equitable rate and form of compensation, benefits, and allowances for legislators.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.590. Administrative Procedure Act inapplicable.

Text

AS 44.62 (Administrative Procedure Act) does not apply to proceedings of the commission.

History

History.

(§ 10 ch 21 SLA 2008)

Sec. 39.23.599. Definition.

Text

In AS 39.23.500 - 39.23.599, "commission" means the State Officers Compensation Commission.

History

History.

(§ 10 ch 21 SLA 2008)